



General Assembly

***Substitute Bill No. 5431***

*February Session, 2012*

\* \_\_\_\_HB05431JUD\_\_040212\_\_ \*

***AN ACT CONCERNING THE CONFIDENTIALITY OF INFORMATION  
OBTAINED BY THE ATTORNEY GENERAL DURING THE COURSE OF  
ANTITRUST INVESTIGATIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 35-42 of the general statutes is amended by adding  
2       subsection (i) as follows (*Effective October 1, 2012*):

3       (NEW) (i) Notwithstanding the prohibition against public disclosure  
4       of documentary material and other information provided in  
5       subsections (c) and (e) of this section, any documentary material,  
6       responses to interrogatories or written transcripts of oral testimony, or  
7       copies thereof, or other information produced pursuant to a demand  
8       made under this section or furnished voluntarily, may be used by the  
9       Attorney General, or the Attorney General's designee, in connection  
10      with the taking of oral testimony conducted pursuant to this section,  
11      when the Attorney General, or the Attorney General's designee,  
12      reasonably determines that it is necessary to disclose confidential  
13      material to a person providing oral testimony in order to adduce  
14      evidence of a suspected violation of a provision of this chapter and  
15      reasonably believes that the person providing oral testimony: (1) Is an  
16      author or recipient of the confidential material, (2) has read the  
17      confidential material, or (3) is otherwise aware of the substance of the  
18      confidential material. The permissible use of confidential material in  
19      connection with the taking of oral testimony provided under this

20 subsection shall not apply to investigations of proposed mergers or  
21 acquisitions. No copy or original of the confidential material described  
22 or shown to a person providing oral testimony pursuant to this section  
23 shall be retained by such person. For purposes of this subsection,  
24 "confidential material" means documentary material, responses to  
25 interrogatories or written transcripts of oral testimony, or copies  
26 thereof, or other information produced pursuant to a demand made  
27 under this section or furnished voluntarily.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2012</i>	35-42
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**JUD**      *Joint Favorable Subst.*